

REMARKS**Status of the Claims**

Claims 1, 3, 5-7, and 21-22 are currently present in the Application, and claims 1 and 21-22 are independent claims. Claims 1 and 21-22 have been amended, claims 2, 4, 8-20, and 23-24 have been canceled, and no claims have been added.

Applicants are not conceding that the subject matter encompassed by claims 1-24, prior to this amendment, are not patentable over the art cited by the Examiner. Claims 1 and 21-22 were amended and claims 2, 4, 8-20, and 23-24 were canceled in this Amendment solely to facilitate expeditious prosecution of this Application. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by claims 1-24 as presented prior to this Amendment, and additional claims in one or more continuing applications.

Examiner Interview

Applicants note with appreciation the telephonic interview conducted between Applicants' representative and the Examiner on May 8, 2008. During the telephonic interview, the Examiner and Applicants' representative discussed one of the 103 references (Corral, U.S. Patent Pub. 2003/0188290). In particular, Applicants' representative discussed that Applicants' invention applies metrics to different design phases using a "top-down" approach such that the number of metrics being applied to the different design phases are based upon a weighted priority of the individual common metrics. In contrast, Corral defines metrics at the "phase" level and pushes them up to the top (bottom-up approach), and never teaches or suggests using a weighted priority to determine an amount of phase goals in which to generate for a common metric. Applicants' representative suggested amending independent claim 1 to distinctly claim the generation of phase goals based upon a weighted priority. The Examiner wished to review the prior art in more detail. No agreement was reached regarding the claims.

Drawings

Applicants note with appreciation the Examiner's acceptance of Applicants' formal drawings filed concurrently with the application.

Specification Objections

The specification stands objected to due to minor informalities. Applicants have amended the specification in this response and, therefore, request removal of the objection to the specification in the next Office communication.

Claim Objections

Claims 2, 9, and 15 stand objected to due to minor informalities. Claims 2, 9, and 15 have been canceled in this response and, therefore, objections to these claims are moot.

Claim Rejections Under 35 U.S.C. § 112

Claims 2, 9, and 15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 2, 9, and 15 have been canceled in this response and, therefore, rejections to these claims are moot.

Claim Rejections – Alleged Obviousness Under 35 U.S.C. § 103

Claims 1-18 and 20-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Corral (U.S. Patent Pub. 2003/0188290, hereinafter "Corral") in view of Vouk ("Software Reliability Engineering," hereinafter "Vouk"). Applicants respectfully traverse these rejections. Claims 2, 4, 8-18, and 23-24 have been canceled in this response and, therefore, rejections to these claims are moot.

Applicants have amended independent claim 1 to distinctly claim the generation of phase goals based upon a weighted priority. Support for such amendment may be found in Applicants' specification on page 13, line 25 through page 14, line 5 and on page 14, line 24 through page 17, line 8. Therefore, no new matter is added with such

amendment. As amended, independent claim 1 is a method of applying a plurality of common metrics to a product lifecycle with limitations comprising:

- identifying a plurality of product phases that correspond to the product lifecycle;
- selecting one of the common metrics from the plurality of common metrics, wherein the selected common metric spans the product lifecycle and corresponds to each of the plurality of product phases;
- identifying a weighted priority of the selected common metric;
- generating a number of phase goals for each of the plurality of product phases, wherein the number is based upon the weighted priority;
- applying the generated number of phase goals to their corresponding plurality of product phases; and
- executing each of the plurality of product phases using the generated number of phase goals.

Applicants claim that metrics are applied to each of a plurality of product phases using a top-down approach by starting with metrics that are common among a product lifecycle (e.g., Reliability), and applying the common metrics to each phase in a product lifecycle (e.g., plan phase, design phase, development phase, etc.). While applying the common metrics, Applicants claim that the number of phase goals that is generated for a particular metric are based upon a weighted priority of the particular metric.

In contrast, Corral uses a bottom-up approach to apply metrics to a product lifecycle. Corral states:

"Each Project Team defines the data to be measured regarding the respective process, code size, defects...Next, the QMO certifies the Quality Plan, including the Metrics...**The Executives in the Software Development Organization then review** the Quality Plans, and propose for each project, the parameters to be controlled. (page 19, paragraphs 284-285, emphasis added).

As can be seen from the above excerpt, Corral teaches that each project team defines metrics for their particular project, which are combined and reviewed at a higher level. As such, Corral never teaches or suggests *"selecting one of the common metrics from the plurality of common metrics, wherein the selected common metric spans the*

product lifecycle and corresponds to each of the plurality of product phases” and “applying the generated number of phase goals to their corresponding plurality of product phases” as claimed by Applicant. The Office Action does not suggest that Vouk teaches or suggests such limitation and, indeed, Vouk does not teach such limitations.

In addition, Corral is silent with regards to generating a number of phase goals based upon a weighted priority. Corral mentions a “priority,” but Corral’s priority corresponds to categorizing actions. Corral states:

“Anyone in the Software Development Organization Project Team may be a QMA provider. Proposals are studied by the “QMO” and, as necessary, are formally opened by assigning an Actioner, a Due Date, and a Priority. The Actioner and the other Notified people are together responsible for finding and implementing the corresponding Actions in order to solve the problem.” (page 23-24, paragraph 352)

As can be seen from the above excerpt, Corral’s priority rating has nothing to do with determining a number of phase goals to generate for a particular metric. Therefore, Corral never teaches or suggests ***“generating a number of phase goals for each of the plurality of product phases, wherein the number is based upon the weighted priority”*** as claimed by Applicant. The Office Action does not suggest that Vouk teaches or suggests such limitation and, indeed, Vouk does not teach such limitation.

Therefore, since neither Corral nor Vouk teach or suggest, either alone or in combination with each other, all the limitations included in Applicants’ claim 1 as amended, amended claim 1 is allowable over Corral in view of Vouk. Independent claims 21-22 include limitations similar to claim 1 and, therefore, are allowable over Corral in view of Vouk for at least the same reasons that claim 1 is allowable over Corral in view of Vouk as discussed above.

Each of claims 3 and 5-7 each depend, either directly or indirectly, upon allowable independent claim 1. Therefore, each of claims 3 and 5-7 are allowable for at least the same reasons that claim 1 is allowable over Corral in view of Vouk as discussed above.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Corral in view of Vouk in further view of Bicknell U.S. Patent Pub. 2003/0018511, hereinafter "Bicknell"). Claim 19 has been canceled in this response and, therefore, rejections to this claim is moot.

Conclusion

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

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